

# EXHIBIT A

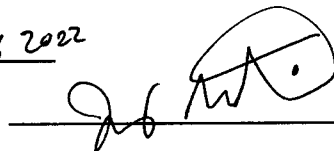
### DECLARATION OF JEFFREY MARTIN

The undersigned, Jeffrey Martin, declares as follows:

1. My name is Jeffrey O'Neal Martin. I hold a Bachelor's degree in Mathematics and Economics from Vanderbilt University and a Master's degree in Economics from the University of Chicago.
2. I am employed as a consultant on statistical issues, a consultant on actuarial issues, and as a consultant to political campaigns. I have been qualified as an expert on statistical issues in Federal Courts and State Courts.
3. Since 1997, I have been involved in cases involving challenges to the jury lists in Federal and State Courts.
4. I have been asked by counsel to review the construction and implementation of the Master Jury Wheel and Qualified Jury Wheel that is used to select Trial Jurors in this case.
5. In order to complete the review, I require data as listed in "Attachment 1" for data relating to the Trial Jury in this case.
6. I am prepared to answer any questions the Court may have and will be glad to discuss ways in which the data can be delivered that best fits the way in which the Clerk's office operates.
7. I do not seek any personal information that would allow the identification of any individual.
8. The information requested is common to other reviews of Federal jury wheels that I have been asked to perform. The information requested herein has been provided to me in connection with my work as an expert in approximately 10 similar challenges brought on behalf of federal criminal defendants in this and other federal jurisdictions.
9. In "Attachment 1" items #1 through #16 do not involve any personal or other information that could be used to identify any individual.
10. In "Attachment 1" items #17 through #25 should only include the randomly generated Juror Number and not the Name, Street Address, Day of Birth, or Month of Birth. In this way, no individual person can be identified.
11. In "Attachment 1" item #26 should have the individual's Name and Street Address redacted in order to remove any personally identifiable information.
12. In "Attachment 1" items #27 through #31 inherently include personally identifiable information. The personal information can be redacted or only supplied for inspection in the Clerk's office to safeguard personal information.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Dated this 14<sup>th</sup> day of January 2022



Jeffrey Martin

**ATTACHMENT 1**

- 1) The Jury Plan for the Southern District of New York currently in effect and, if different in any respect, at the time trial jurors are summoned in this case. This Plan is believed to be the "Amended Plan for the Random Selection of Grand and Petit Jurors in the United States District Court for the Southern District of New York" effective February 13<sup>th</sup>, 2009.
- 2) A description of any changes from the previous procedures or from the Jury Plan for the trial jury or creation of the trial jury because of the Covid-19 pandemic.
- 3) Any order of the Court that effects the previous procedures or the Jury Plan for the trial jury or creation of the trial jury because of the Covid-19 pandemic.
- 4) A description of work done, contact information, and communications with any vendors in the creation of the Master and Qualified Jury Wheels used to summon trial jurors in this case.
- 5) The jury division chosen for the trial jury in this case.
- 6) A description of reason for the choice of jury division for the trial jury in this case.
- 7) Any AO-12 form or JS-12 form created which relates to the District and Divisional Master Jury Wheels and Qualified Jury Wheels that are used to summon the trial jurors in this case as required by 28 U.S.C. § 1863(a).
- 8) Any AO-12 form or JS-12 forms completed since the Jury Plan became effective February 13<sup>th</sup>, 2009.
- 9) Any other statistical or demographic analyses produced to ensure the quality and compliance of the Master Jury Wheels and Qualified Jury Wheels that are used to summon trial jurors in this case with the Jury Plan, Jury Selection and Service Act and constitutional requirements.
- 10) The date when the Master Jury Wheel that was used to summon trial jurors in this case was refilled as described in the Jury Plan Section III B.
- 11) The record of the steps, numbers, and calculations as described in the Jury Plan Section II A.
- 12) The general notice explaining the process by which names are periodically and randomly drawn as described in the Jury Plan Section III D.
- 13) The calculation of the division of jurors from each county to reasonably reflect the relative number of registered voters as described in the Jury Plan Section IV B.

- 14) The procedures implemented related to prospective jurors who do not respond to a juror qualification form or have their juror qualification form returned from the Postal Service as undeliverable as described in the Jury Plan Section III E.
- 15) The date when trial jurors are summoned in this case.
- 16) The number of persons summoned from the Qualified Jury Wheel to be considered as trial jurors in this case.
- 17) The District, Manhattan Division, and White Plains Division Master Jury Wheel data as described in the Jury Plan Sections III A, III B and III C in electronic and accessible form that includes Juror Number, Race, Gender, Hispanic Ethnicity, Year of Birth, Zip Code, City, County and Jury Division.
- 18) The District, Manhattan Division, and White Plains Division Qualified Jury Wheel data as described in the Jury Plan Section III D in electronic and accessible form that includes Juror Number, Race, Gender, Hispanic Ethnicity, Year of Birth, Zip Code, City, County and Jury Division.
- 19) The entire list of deferred jurors from the previous Master Jury Wheel who could possibly be summoned for service in electronic and accessible form that includes Juror Number, Race, Gender, Hispanic Ethnicity, Year of Birth, Zip Code, City, County and Jury Division.
- 20) Status Codes for potential jurors who were selected from the Master Jury Wheel for qualification who either had their qualification form returned by the postal service, did not respond or were disqualified or exempted or excused from jury service as described in the Jury Plan. The data should be in electronic and accessible form that includes Juror Number, whether the form was returned Undeliverable, whether the form was not returned, Reason for Disqualification/Exemption/Excuse, Race, Gender, Hispanic Ethnicity, Year of Birth, Zip Code, City, County, and Jury Division.
- 21) To the extent that the Status Code refers to Disqualifications, Exemptions, or Excuses with "for official use", please supply the specific reason or describe what "for official use" means.
- 22) Are persons marked as excused available for summoning as described in the Jury Plan Section VIII?
- 23) Are persons deferred to a different date? If so, please describe the procedure used once the deferred juror attends on the deferral date including their order of consideration.
- 24) The Juror Number only (and not Name or Street Address) for persons selected as potential trial jurors in this case.

- 25) The Juror Numbers for persons selected as potential jurors for criminal juries that were summoned for trials scheduled to take place (or that have taken place) from September 2021 through January 2022.
- 26) The source of data in electronic form for the Master Jury Wheel used to summon trial jurors in this case as described in the Jury Plan Sections I (4) and III A (voter registration list). The data should include, as available, Race, Gender, Hispanic Ethnicity, Year of Birth, Zip Code, City, County, and Jury Division but not any personal information or information that could be used to identify any individual such as Name or Street Address.
- 27) The juror qualification and summons forms for the persons summoned (or to be summoned) as potential jurors in this case.
- 28) The disposition of each summoned potential trial juror in this case as to excusal, deferment, disqualification or selection as described in the Jury Plan.
- 29) Any Covid-19 questionnaires and summary information of Covid-19 questionnaires including Juror Number for potential trial jurors in the case.
- 30) The juror qualification and summons forms (including supplemental juror questionnaires concerning COVID-19) for persons summoned as potential jurors in criminal trials scheduled to take place (or that have taken place) from September 2021 through January 2022.
- 31) The disposition of each summoned potential trial juror from September 2021 through January 2022 as to excusal, deferment, disqualification or selection as described in the Jury Plan (and as modified by any COVID-related orders of the Court or the Chief Judge).